

Remarks/Arguments

Claims 17-27 were pending in the application. Claims 17-21 were withdrawn subject to a response to election/restriction filed on June 5, 2006. Claims 23-26 were merely objected to and no claims were allowed. Claims 22 and 27 were rejected. By entry of the foregoing amendment, claim 23 is cancelled without prejudice or devotion of the subject matter to the public, claim 22 is amended, and no new claims were added. Support for the amendment to claim 22 may at least be found in the claims, as well as the specification, claims and drawings as originally filed. No new matter is presented.

Allowable Subject Matter

Applicants would like to thank the Examiner for indicating claims 23-26 are objected to as being dependant upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

Rejections Under 35 U.S.C. §103(a)

The Examiner asserts claims 22 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,728,610 to Marshall et al. (hereinafter "Marshall") in view of United States Patent No. 5,962,834 to Markman (hereinafter "Markman"). Applicants traverse this rejection.

In the above-identified non-final office action, the Examiner indicated claims 23-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicants have amended claim 22 to incorporate the subject matter of claim 23. Applicants contend amended claim 22 is now patentable and not obvious in view of the combined teachings of Marshal in view of Markman.

In light of the foregoing, Applicants respectfully request

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the Examiner withdraw the rejection under 35 U.S.C. §103(a) and find claims 22 and 24-27 are allowable.

CONCLUSION

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,
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